THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5416 OF 2003

ORAL ORDER:

The writ petitioner was granted a licence to run sweet and bakery business at Jadcharla Bus Station for a period of three years with effect from 1.3.2003.

The material produced before this Court shows that the petitioner was allotted space to open his stall adjacent to Himachal Pradesh Fruit Juice stall in the Bus Station, and to that effect the Station Manager, Jadcharla, addressed a letter dated 13.3.2003 to the Depot Manager, A.P. State Road Transport Corporation, Mahabubnagar Depot. Accordingly, petitioner started his business. While so, it appears that the 3rd respondent-Depot Manager was insisting that the petitioner should shift his stall to a corner place of the bus station, failing which, he would be evicted forcibly. Aggrieved by the said action of the 3rd respondent, this writ petition is filed contending *inter alia*, that the action of the 3rd respondent is arbitrary and illegal.

Though a counter-affidavit has been filed on behalf of the respondents, nothing has been placed before this Court to show that any order was passed at any point of time directing the petitioner to shift the business premises. The respondents did not dispute the fact that the petitioner was granted a licence for a period of three years commencing from 1.3.2003. However, it is stated that there was no sufficient space adjacent to Himachal Pradesh Juice stall to locate the sweet and bakery stall.

I have heard the learned counsel for both the parties and perused the material on record.

The fact that the petitioner was granted a licence is not in dispute. It is also clear from the letter addressed by the Station Manager to the Depot Manager that the petitioner was specifically permitted to open his stall adjacent to Himachal Pradesh Fruit Juice

stall. If for any reason the respondents wanted that the stall should be shifted to some other place, it is open to them to take necessary steps following due process of law, but no coercive steps can be taken against the petitioner to evict forcibly during subsistence of the licence.

The learned counsel for the petitioner, across the bar, submitted that though the period of licence expired in February, 2006, the petitioner was granted renewal for a further period of three years and, thus, he is entitled to continue up to February, 2009 and by virtue of the interim orders, he has been running his stall adjacent to Himachal Pradesh Fruit Juice stall, as on today.

In the circumstances, I deem appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the business of the petitioner in the stall located adjacent to Himachal Pradesh Fruit Juice stall, without following due process of law, as long as the licence in his favour is subsisting. No costs.

_____

(G. ROHINI, J.)

7th September, 2006.
Issue Cc in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5416 OF 2003

7th September, 2006.

Between:

K. Mangapathy Rao. .. Petitioner.

And

The Regional Manager, A.P.S.R.T.C.,
Mahabubnagar Region, Mahabubnagar
and others. .. Respondents.